

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 3, 1965

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, March 3, 1965, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN(Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Administrative Assistant Peterson, Planning Director Schroeder, and City Attorney Mullen.

MINUTES On motion of Councilman Culbertson, Kirsten second, the Minutes of February 17, 1965, were approved as written and mailed after correcting the twelfth line in the paragraph on page 4 entitled "Signs on E. Lodi Ave." by changing the words "pay for" to "participate in."

PLANNING COMMISSION

P-D ZONE Consideration of the Planning Commission's recommendation that Chapter 27 of the City Code (zoning ordinance) be amended to provide for a Planned Development District (P-D Zone) was carried over from the meeting of February 17. Such a district would provide for the development of five or more acres planned as a unit for such uses as neighborhood and community shopping centers, grouped professional and administrative office areas, senior citizens' centers, multiple housing developments, commercial service centers, industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development. The plans and scheduling of development would be approved by the City and if the property owner fails to meet the schedule, the City may remove the P-D zoning. It was pointed out that the P-D zone would give the developer more flexibility in planning than is the case with other zones. Councilman Dow moved that the proposed amendment be set for public hearing at the meeting of March 17, 1965. His motion was seconded by Councilman Culbertson, who then stated that he was perturbed by Section 101 of the proposal which implies that no matter what height limits (for example) the City has, they would not apply in a P-D zone. Councilman Culbertson felt there should be a limit and that the least restrictive regulations in other zones should apply to the P-D zone. Councilman Kirsten shared the concern of Councilman Culbertson, but on the other hand felt that such restrictions could defeat the flexibility of the P-D zone. After further discussion, the motion carried by unanimous vote.

ANNEXATION
POLICY

Councilman Culbertson, who is chairman of the San Joaquin County Local Agency Formation Commission, stated that at the last meeting of the Commission there was some controversy over the proposed annexation of the Kettelman Addition because other members of the Commission felt that the annexation should be approved only if the entire width of the street (Kettelman Lane) were included. He pointed out to the Commission that the City of Lodi's policy was to annex to the center of the street and the policy should not be changed without discussion. He would like the City Manager

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to prepare information on the City's policy for presentation to the Commission.

COMMUNICATIONS

COUNTY RE
APPEAL ON
PETITE
BEAUTY SHOP

Two letters were received concerning the appeal of Vernon Delk on behalf of the Planning Commission from the action of the County Planning Commission in granting a use permit to the Petite Beauty Shop. One letter was from Richard Johnson, Deputy County Counsel, and the other from Frank L. Hoyt, Chairman of the Board of Supervisors, both informing the Council that the appeal should come from the City Council rather than the Planning Commission and stating that the Board of Supervisors had extended the appeal period in the event the Council wishes to appeal the use permit. Councilman Dow, Walton second, moved that Vernon Delk be authorized to file an appeal on behalf of the City Council from the decision of the County Planning Commission granting a use permit to the Petite Beauty Shop. The motion carried by the following vote:

Ayes: Councilmen - CULBERTSON, DOW, KIRSTEN and
WALTON

Noes: Councilmen - BROWN

D. BUHLER RE
LIBRARY

A letter was received from Donna Buhler, 530 S. Rose Street, commending the City for installing 12-minute parking in front of the Public Library and suggesting that a bin be placed in front of the Library for deposit of books. Her letter was referred to the Library Board of Trustees on motion of Councilman Dow, Walton second.

INTENT TO
ANNEX
KETTLEMAN ADDN

RES. NO. 2798
ADOPTED

The City Clerk presented a petition signed on behalf of all the owners of property between Cherokee Lane and the Freeway north of Kettleman Lane. The proposed annexation has been approved by the County Boundary Commission and the Local Agency Formation Commission. On motion of Councilman Walton, Dow second, the City Council adopted Resolution No. 2798 stating its intention to annex the property as the "Kettelman Addition" and setting public hearing thereon for March 17, 1965.

SENIOR
CITIZENS
CLUB RE
"CENTER"

A letter was read from the Senior Citizens Club of Lodi asking if something could be done to prevent a proposed rest home from being called a Senior Citizens Center since the Club uses the name "Center" for its building at 113 North School Street and feels that using the name "Senior Citizens Center" for a rest home will lead to confusion. City Attorney Mullen pointed out that the City could not intervene in such a matter and that the Club should consult its attorney. Councilman Walton moved that a letter be written to the Club expressing the Council's concern and suggesting that the Club get in touch with its attorney on this matter. The motion was seconded by Councilman Dow and carried.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$230,733.64 were approved on motion of Councilman Dow, Kirsten second.

J. DUNCAN -
STREET LIGHT

Concerning the request of Mr. James Duncan, made at the meeting of February 17, 1965, that the City move the street light which obstructs his driveway at 1146 Devine Drive, Mr. Graves stated he had gathered the following facts:

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Nov. 6, 1963 - City Council approved the final subdivision map.
 Dec. 10, 1963- Subdivision map was recorded.
 Feb. 3, 1964 - Map showing location of street lights was completed.
 May 22, 1964 - Street light installation was completed and accepted by the City.
 Dec. 15, 1964--Joint Tenancy Grant Deed recorded by Ted Schneider granting property to Mr. and Mrs. Duncan.
 Dec. 31, 1964- Building permit issued to R. L. Cannon Construction Co., Stockton.

Mr. Graves also reported that about one week before issuance of the building permit, Mr. Duncan asked the Building Inspector how he could get the light moved. Mr. Duncan was referred to the Superintendent of Utilities who explained the City's policy requiring the property owner to pay. Also, when application for the building permit was made, the Building Inspector pointed out the location of the light to the contractor, indicating the location on the plot plan with a red pencil. The light is centered on the lot, being only 3/10 of an inch off center, and is 14 inches inside the driveway. It would cost approximately \$300 to have it moved 4 feet. The house is built to one side, being 6 feet from one side and 19 feet from the other, according to the plot plan.

Mr. James Duncan, 1655 Rutledge Way, Stockton, the above mentioned owner, requested that the City move the light standard a safe distance since the present location deteriorates the value of his lot. He stated that he placed a deposit on the lot on April 22, 1964, that his home plans were completed and forwarded to FHA before acceptance of the subdivision, that when he went out to the subdivision and found the pole in the center of the lot, he thought it was an error by the City. In addition, he had made a deposit of \$1500 which he did not want to forfeit and did not delay construction because of spiraling costs. If he had moved the house four feet to the north, the yard area would have been reduced and it would also have eliminated the possibility of expanding the house or installing a swimming pool. Mr. Duncan asked if a light pole was to be the dominating factor in the development of a lot. He said, further, that his contractor had not talked to a male in the Building Department when getting the building permit, but that it had been a woman who had looked at the plot plan and circled the location of a pole at the rear of the lot only. According to Mr. Duncan, the City's policy is in error and from his knowledge of subdivisions in other areas, he had assumed the light standard would be on the lot line. At the time he looked at the property he could not tell that the pole was not on the lot line. Councilman Dow said that morally it was not right to have the light pole interfere with development of the lot. Mayor Brown stated that Mr. Duncan knew where the light was before he started to build, and therefore it was his responsibility. Councilman Culbertson said the City is not telling Mr. Duncan where he can put his driveway, but if he wants it in the middle of the lot, he can have the light standard moved, but should not expect the City to pay for it. Councilman Walton moved that Mr. Duncan's request be denied. His motion was seconded by Councilman Culbertson. Councilman Kirsten felt the City's street light policy was all right, but on the other hand he sympathized with Mr. Duncan as he

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felt Mr. Duncan would suffer some economic loss. Councilman Dow made a substitute motion that the City pay for moving the light. His motion died for lack of a second. Councilman Kirsten then made a substitute motion that the City pay half of the cost of moving the light. His motion was seconded by Councilman Dow and failed to carry by the following vote:

Ayes: Councilmen - DOW and KIRSTEN

Noes: Councilmen - CULBERTSON, WALTON and BROWN

The original motion to deny the request then carried by the following vote:

Ayes: Councilmen - CULBERTSON, WALTON and BROWN

Noes: Councilmen - DOW and KIRSTEN

HERB LEHR
DRIVEWAY
REQUEST

A request was presented from Mr. Herb Lehr that 12 feet of curb and gutter be removed from between two 20' driveways in front of his property at the southeast corner of Lodi Avenue and Stockton Street (at the time Lodi Avenue is widened). In exchange for the resulting 52-foot driveway on Lodi Avenue Mr. Lehr said he would dedicate 5 feet along Stockton Street to the City. There is also a 20-foot driveway on the Stockton Street side of the property. Mr. Lehr stated that there were nine parking stalls in front of the building on this property and that by removing the curb and gutter between the two driveways, it would be easier to move cars in and out of the parking area. He said he would also like to have the enlarged driveway moved 4 feet to the west and a guy wire on a pole eliminated. Mr. Graves said the problem with such a large driveway was the hazards to vehicular traffic and to pedestrians caused by cars backing into the street. Public Works Director Shelley Jones stated that Lodi Avenue was being widened because of the amount of traffic on this street and that such a wide driveway would obstruct traffic. Therefore his department was suggesting several alternative patterns for the parking stalls on Mr. Lehr's property as being better solutions to his parking and access problems. Councilman Culbertson asked Mr. Lehr if he would consider the closing of the driveway on Stockton Street if the 52-foot driveway were approved and Mr. Lehr said he would probably agree. After further consideration of the suggestions of the Public Works Department and Mr. Lehr's problems, it was moved by Councilman Walton that the Council grant the request of Mr. Lehr to eliminate the curb between his two driveways on Lodi Avenue resulting in a 52-foot driveway which would be moved 4 feet to the west providing that Mr. Lehr dedicates 5 feet along Stockton Street to the City and blocks his driveway on Stockton Street. The motion was seconded by Councilman Dow and carried by the following vote:

Ayes: Councilmen - CULBERTSON, DOW, WALTON
and BROWN

Noes; Councilmen - KIRSTEN

SPECS -
DUMP TRUCK

On motion of Councilman Dow, Kirsten second, the City Council approved the specifications for one 2-ton dump truck and authorized calling for bids thereon.

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S. SANGUINETTI
ADD. WITHDRAWN
FROM FIRE DIST.
RES. NO. 2799
ADOPTED

The resolution annexing the South Sanguinetti Addition to the City of Lodi having been filed with the Secretary of State, on motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2799 withdrawing the South Sanguinetti Addition from the Woodbridge Rural County Fire Protection District.

TALLEY ADDN
WITHDRAWN
FROM FIRE DIST.
RES. NO. 2800
ADOPTED

The resolution annexing the Talley Addition to the City of Lodi having been filed with the Secretary of State, on motion of Councilman Dow, Culbertson second, the City Council adopted Resolution No. 2800 withdrawing the Talley Addition from the Woodbridge Rural County Fire Protection District.

WIDENING
S. SACTO ST.
AT TOKAY ST.

Mr. Graves presented sketches of the J. P. Liebig property at the southeast corner of Sacramento and Tokay Streets showing the present curb line on Sacramento and the line proposed by Mr. Liebig which would widen Sacramento Street adjacent to his property by 8.5 feet. If the City will widen the street at this location by 8.5 feet, Mr. Liebig will remove the steps and close up the door of his building, and pay for installation of sidewalk. Mr. Graves pointed out that the street will eventually have to be widened another five feet. Stating that this portion of Sacramento Street is a bottleneck, Councilman Culbertson moved that the curb be moved as requested by Mr. Liebig on the condition that the property owner move the steps, close up the door of the building and provide sidewalk at his expense. The motion was seconded by Councilman Dow and carried.

REVISION OF
ELECTRIC RATE
SCHEDULES

Mr. Graves explained that present electric rate schedules should be revised in order to eliminate some confusion. The City policy is to have the rates 10% lower than the rates P.G. & E. would charge if it serviced the City. However, consolidation of a couple of classes of customers has resulted in about 20 customers being charged higher rates than would be the case if they were being serviced by P.G. & E. In order to remedy this situation, new schedules are being recommended. On the other hand, three customers will have their rates increased under the new schedules. Councilman Culbertson moved that the proposed schedules be set for public hearing at the meeting of March 17, 1965, and that letters be sent to the customers who would be adversely affected notifying them of the hearing. The motion was seconded by Councilman Kirsten and carried.

CHARGES FOR
ELECTRICITY
BY LANDLORDS

Mr. Graves then mentioned that one or two of the City's electrical customers have been charging their tenants rates in excess of what would be charged by the City. He felt that the City should have regulations to control such rates. On motion of Councilman Walton, Dow second, the matter was set for public hearing and instructions given that the customer or customers involved be notified.

DUSK TO DAWN
LIGHTING
ORD. NO. 781
INTRODUCED

The Superintendent of Utilities is recommending that the City provide "dusk to dawn" lighting service for customers desiring such service. This would be primarily for commercial or industrial areas. The lights would be placed on City-owned poles which are used to carry circuits for other City purposes. Councilman Dow moved the introduction of Ordinance No. 781 providing that dusk to dawn lighting be made available to the City's customers. His motion was seconded by Councilman Culbertson and carried unanimously.

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SPECS -
WEST LANE
UTILITY EXT.

Specifications for West Lane Utility Extension were presented for Council consideration. On motion of Councilman Culbertson, Walton second, the City Council adopted the plans and specifications for the West Lane Utility Extension project and authorized calling for bids thereon.

CAPITAL
IMPROVEMENT
PROGRAM
WATER SYSTEM

Mr. Graves reviewed the Capital Improvement Program for the water distribution system which had been discussed at the previous meeting. He said the cost of the program would be reduced approximately \$629,000 under the present policy of having the subdividers pay for 6" lines or reduced approximately \$743,000 if the subdividers paid for 8" lines. He said the City might be able to do more on a "pay-as-you-go" basis than originally considered. Councilman Culbertson moved that the 5-year Capital Improvement Program for the water distribution system be approved and that subdividers be required to bear the cost of lines up to and including 8 inches. His motion was seconded by Councilman Dow and carried.

WATER LINES
IN SUBD.

RES. NO. 2801
ADOPTED

On motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2801 changing the policy of charges to subdividers for water distribution lines by providing that the subdivider pay for water lines up to and including 8" in size. Councilman Walton moved that the regulation adopted by Resolution No. 2801 not apply to tentative maps which have been approved. His motion was seconded by Councilman Kirsten and carried.

CAPITAL
IMPROVEMENT
PROGRAM
PUBLIC
SAFETY

Mr. Graves explained the financial aspects of the Capital Improvement public safety program for the next five years, having tabulated a summary of the costs on the blackboard. He also stated that he had received a phone call from Mr. Marion Varner, the architect for the Public Safety-Hall of Justice building, stating that the standards for civil defense quarters had been lowered and the City could now install a civil defense center in the basement of the Public Safety building and at the same time save between \$70-\$80,000 in Federal participation. However, approval would have to be obtained from the Government before going ahead with the plans. Mr. Graves added that application for an advance from the Federal Government for public works planning had been made, that he had phoned the agency handling the application and had been told it was in good shape and the City should be getting an answer within two or three weeks. However, if the City wishes to incorporate a civil defense center in the plans, it would mean the City would have to make a new application. Mr. Varner is unable to proceed with plans until the application is approved. Councilman Culbertson said he was concerned with the time factor and that if the civil defense center means a delay, he doubts it should be included.

POPULATION
ESTIMATE

The City Manager reported that a letter had been sent to the State Department of Finance requesting an estimate of current population in Lodi as has been done the past few years.

DOWNTOWN
TREES

Camphor trees are being planted by property owners from the Mall north on School Street and around the corner on Pine Street up to the City's parking lot.

BEAUTIFYING
PARKING LOT

Mr. Graves stated that he had approved planting of the trees along the parking lot on Pine Street and around the corner on Church Street. Councilman Culbertson remarked that the people in town are doing

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a good job and he wondered what could be done with the small triangular areas in the parking lot. He then moved that the City Manager get in touch with landscape architect Paul Tritenbach for a recommendation as to what could be done to enhance these areas. The motion was seconded by Councilman Dow and carried.

ORDINANCES

REZONES NW
COR. TOKAY
& STOCKTON
TO "M"

ORD. NO. 779
ADOPTED

ORDINANCE NO. 779, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY ON THE NORTHWEST CORNER OF TOKAY AND STOCKTON STREETS TO BE IN THE 'M' INDUSTRIAL DISTRICT," having been introduced at the regular meeting of February 17, 1965, was brought up for passage on motion of Councilman Dow, Walton second. Second reading was omitted after reading by title, and the ordinance was passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - CULBERTSON, DOW, KIRSTEN
WALTON and BROWN

Noes: Councilmen - None

Absent: Councilmen - None

REZONES WEST
SIDE SIKTN ST
BTWN TOKAY &
FLORA STREETS
TO "M"

ORD. NO. 780
ADOPTED

ORDINANCE NO. 780, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY ON THE WEST SIDE OF STOCKTON STREET BETWEEN TOKAY AND FLORA STREETS TO BE IN THE 'M' INDUSTRIAL DISTRICT," having been introduced at the regular meeting of February 17, 1965, was brought up for passage on motion of Councilman Culbertson, Kirsten second. Second reading was omitted after reading by title, and the ordinance was passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - CULBERTSON, DOW, KIRSTEN
WALTON and BROWN

Noes: Councilmen - None

Absent: Councilmen - None

SUBDIVISION
UTILITIES

Mayor Brown said that something should be done about houses being completed before the City is able to furnish them with utilities and he suggested that perhaps when building permits were issued it could be stated on the permit when utilities would be available. Director of Public Works Jones said the City would like to get out of the subdivision business and have the subdividers responsible for installation of utilities. He advocated final inspection of buildings after all utilities are in and also curb, gutter and street grading. He did not think holding up a building permit was the answer.

BILL MUNSON
DAY

Mayor Brown stated he would like to declare March 5, 1965, "Bill Munson Day" in honor of the former Lodi Flame star who is now with the Los Angeles Rams. Bill Munson is to participate in festivities to raise money for the Lodi Boys Club. On motion of Councilman Walton, Kirsten second, the City Council requested the Mayor to issue a proclamation declaring Friday, March 5, "Bill Munson Day."

ADJOURNMENT

There being no further business, the City Council adjourned at 11:15 p.m. on motion of Councilman Dow.

Attest: Beatrice Garibaldi